IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 497 of 2006 (M/B)

Vinod Kumar S/o Sri Atar Singh,
R/o Naubatpur Moloewala,
P.O. Ikbalpur, District Haridwar. …… Petitioner.

Versus

1. Zila Panchayat Haridwar,
   through its Apar Mukhya Adhikari,
2. The Chairperson,
   Zila Panchayat, Haridwar.
3. The Kar Adhikari,
   Zila Panchayat, Haridwar. ……. Respondents

Mr. Siddhartha Sah, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Siddhratha Sah, the learned counsel for the petitioner is heard on admission.

2. Petitioner Vinod Kumar has filed this writ petition for the following reliefs:

> "1) issue a writ , order or direction in the nature of certiorari to quash the order dated 15.04.06 passed by the Respondent No. 2 as given in Annexure No. 7.
>
> 2) issue writ, order or direction in the nature of mandamus directing the Respondents to execute a contact for collecting license fee of Zila Panchayat in favour of the Petitioner in pursuance to his highest bid made in the public auction held on 18.03.06.
>
> 3) Issue any other suitable writ, order or direction which this Hon'ble Court deem fit & proper."

3. The matter relates to the public auction of the right to collect license fee on behalf of Zila Panchayat, Haridwar within the rural area of district Haridwar. In the auction held on 18.03.2006, the petitioner was the highest bidder. As per condition No. 2 of the Conditions of Auction, the bid was required to be approved by the Competent Authority and the said condition further reserves the right to reject all or any the bids without assigning any reason.

4. Chairperson, Zila Panchayat, Haridwar, in view of the intervening policy decision taken by the Zila Panchayat to collect license fee through its employees only, cancelled the auction held on 18.03.2006, wherein the petitioner was the highest bidder. Being aggrieved of the cancellation of the auction, the petitioner has filed this writ petition.

5. The leaned counsel for the petitioner vehemently argued that after the auction was held, Chairperson, Zila Panchayat had no authority to cancel the auction, as a right was created in favour of the petitioner who was the highest bidder in the auction. The learned counsel further submitted that the action of the Zila Panchayat in cancelling the auction is arbitrary and as such, is liable to be quashed.

6. Admittedly, the petitioner's bid was never accepted by Zila Panchayat, Haridwar. It was at the stage of approval of the said bid by the competent authority that the Chairperson, Zila Panchayat, in view of the policy decision taken by the Zila Panchayat to collect the license fee through its employees, cancelled the auction. In our opinion, no right was created in favour of the petitioner by the mere fact that his bid was highest in the auction. The Zila Panchayat is competent to take policy decision to collect the license fee through its employees, if the same was found to be in the best interest of the Zila Panchayat.

7. We, therefore, do not find any illegality in the action of the Zila Panchayat in cancelling the auction. The writ petition, therefore, is liable to be dismissed.

8. The petitioner, however, may seek refund of the amount deposited by him.

9. With the above observation, the writ petition sands disposed of.

(Prafulla, C. Pant, J.)
28.04.2006

(Rajeev Gupta, C.J.)
28.04.2006

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